

(UNCLASSIFIED)

INFORMATION PAPER

MCJA-OSC
5 March 2014

SUBJECT: General Pain

1. Purpose: To provide information for Soldiers going through the Integrated Disability Evaluation System (IDES) an understanding of how pain is evaluated and affects their MEB and PEB cases.

2. Facts:

a. The majority of Soldiers who enter into the MEB/PEB process suffer from some form of pain. Pain is usually associated with an underlying medical condition, but not in all cases. While pain can be treated by various methods, sometimes it can become so disabling that it could lead to the Soldier being found “unfit” by the PEB. The PEB will generally find a condition unfitting if the pain is severe and frequent enough to prevent a Soldier from reasonably performing his or her military duties (i.e., unable to perform MOS, APFT, or basic Soldiering skills).

b. While the PEB makes a fit or unfit determination on conditions identified by the MEB, the Department of Veteran’s Affairs (VA) generally determines the level of compensation for unfitting conditions by issuing a disability rating. Disability ratings are determined by applying the criteria set forth in the VA Schedule for Rating Disabilities, commonly referred to as the VASRD. In theory, disability rating percentages are generally based on the average impairment of earning capacity as a result of a service-connected disability. In the VASRD there are separate diagnostic codes identifying various disabilities and the specific rules and criteria for specific levels of compensation.

c. Pain is important in evaluating musculoskeletal disabilities (i.e., injuries to knees, shoulders, spine, and other joints) or other medical conditions. Typically the limitation of motion of the affected area is used to determine the disability rating. When the VA evaluates musculoskeletal disabilities based upon limitation of motion, a higher rating must be considered when the evidence demonstrates that there is additional functional loss in range of motion due to pain.

3. There are many complex rules regarding the evaluation of pain and whether a Soldier is entitled to additional compensation. In addition, the VA requires fairly specific evidence necessary to support additional levels of compensation due to pain. If you would like to find out the applicable rules in your case, please contact our offices for an appointment.

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4. This Information Paper is provided as a service to Soldiers in the MEB/PEB process and is intended as general information only. A Soldiers' Counsel is available to provide specific legal advice to Soldiers involved in the MEB/PEB process. Contact your local Office of Soldiers' Counsel for more information. If you don't know how to reach your local OSC office please contact your PEBLO or see our website for contact information at <https://www.jagcnet.army.mil/otjagosc>.

Approved by: Ms. Joyce A. Hamel

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